

1
2 BILL NO. ^P 89-02- 22

3 RESOLUTION NO. 10-89

4 A RESOLUTION APPROVING THE TRANSFER OF
5 CERTAIN REAL ESTATE FROM THE CITY OF
6 FORT WAYNE TO THE FORT WAYNE
7 REDEVELOPMENT COMMISSION.

8 WHEREAS, The City of Fort Wayne is the owner of a
9 certain parcel of real estate located at Main and Clay Streets
10 in Fort Wayne, Indiana, and more specifically described in
11 Exhibit "A" attached hereto;

12 WHEREAS, The City desires to transfer said real estate
13 to the Fort Wayne Redevelopment Commission for further
14 development;

15 WHEREAS, The Commission has agreed to pay the City for
16 the transfer of said real estate by applying the net proceeds
17 of any sale of said real estate to defray the cost of various
18 capital improvement projects committed for the central
19 business district by the Board of Public Works of the City or
20 by the Commission as set forth in the agreement attached
21 hereto as Exhibit "B;"

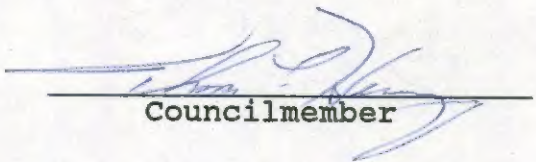
22 WHEREAS, I.C. 36-1-11-8 requires Common Council
23 approval of any such transfer.

24 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
25 THE CITY OF FORT WAYNE, INDIANA:

26 SECTION 1. The transfer of the real estate described
27 in Exhibit "A" to the Fort Wayne Redevelopment Commission in
28 accordance with the terms outlined herein is hereby approved
29 and agreed to. The appropriate officials of the City are
30 hereby authorized to execute all documents necessary to
31 accomplish said transfer.
32

PAGE TWO

SECTION 2. This Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY

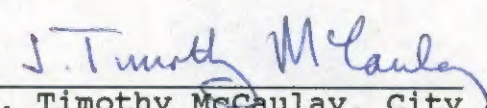

J. Timothy McCaulay, City Attorney

EXHIBIT "A"

DESCRIPTION

Lot Numbered 40 and the East 5 feet of a vacated alley, in County Addition; also, Lots Numbered 1, 2 and 3 in Taber's Addition, both being an Addition to the City of Fort Wayne, Allen County, Indiana, except, the Northeast corner of Lot numbered 3 in Taber's Addition, described as follows:

Beginning at the Northeast corner of Lot Numbered 3 of said Addition, thence Southeasterly 58.85 feet, thence Northwesterly 76.5 feet to a Railroad spike on the South line of Main Street, located 48.5 feet West of the Northeast corner of said Lot, thence Easterly 48.5 feet to the Point of Beginning.

AGREEMENT

THIS AGREEMENT made and entered into this 18th day of January, 1988⁹, by and between the City of Fort Wayne, Indiana, hereafter referred to as "CITY," acting by and through its Board of Public Works and Safety, and the Fort Wayne Redevelopment Commission, hereafter referred to as "COMMISSION."

W I T N E S S E T H:

WHEREAS, the City is owner of a certain parcel of real estate located at Main and Clay Streets in Fort Wayne, Indiana, and more specifically described on the attached Exhibit "A" which is made a part hereof and incorporated herein by reference. Said real estate hereinafter referred to as "PROJECT REAL ESTATE;" and

WHEREAS, the project real estate has been owned for some time by the City and used by the City as an employee parking lot; and

WHEREAS, the Commission seeks to develop the project site as a renewal project; and

WHEREAS, the development plans for the project site and the urban renewal plan relative thereto are in the process of being approved by the Fort Wayne City Planning Commission as conforming to the City's Master Plan of development; and

WHEREAS, it is anticipated that the Common Council of the City of Fort Wayne, Indiana, will approve, ratify and confirm the actions of the Commission and the Fort Wayne City Planning Commission with respect to said projects; and

WHEREAS, the Commission will caused to be held a public hearing at which remonstrances and objections from persons affected by the proceedings pertaining to the proposed project would be received and heard by the Commissioners and due notice of said meeting was published; and

WHEREAS, it is anticipated that the Commission will adopt its Confirmatory Resolution with respect to the project; and

WHEREAS, to move forward with the project it is now necessary for the City to convey the project real estate to the Commission, which in turn will sell to private buyers, parcels or the entire project site; and

WHEREAS, the Commission has agreed to pay the City for the transfer of said real estate to it by applying the net proceeds of any sale of project real estate to defray the cost of various capital improvement projects committed for the central business district by the Board of Public Works of the City or the Redevelopment Commission.

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

(1.) Subject to the approval by the Common Council of the City of Fort Wayne, Indiana, as required by I.C. 36-1-11-8 and subject to the approval of the Board of Public Works and Safety of the City of Fort Wayne, City hereby agrees to convey and to commission the project real estate (Exhibit "A"). This conveyance shall also be accepted and confirmed by a resolution passed by the Commission.

(2.) The Commission shall proceed with the project in accordance with the plans as approved by the Commission, the Fort Wayne City Planning Commission and the Common Council. In that regard the Commission shall sell to private borrowers parcels for the entire project real estate pursuant to all applicable provisions of I.C. 36-7-14-1 et seq.

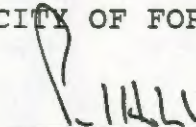
(3.) Unless otherwise agreed to by the City, all sales of project real estate by the Commission shall result in payment in full of the purchase price at closing. All proceeds from the sale of any and all project real estate shall be received by the Commission at the closings and the same shall be applied by the Commission to the payment of or reimbursement for downtown central business district capital improvement projects committed to by either the Board of Public Works of the City or the Redevelopment Commission.

(4.) If for any reason the project real estate is to be conveyed by the Commission for less than its appraised value, then in such event the City shall have the right to approve of such conveyance. This agreement shall be construed in accordance with the laws of the State of Indiana and is subject to approval by the Fort Wayne Common Council.

IN WITNESS WHEREOF, this Agreement has been signed the day, month and year first above written.

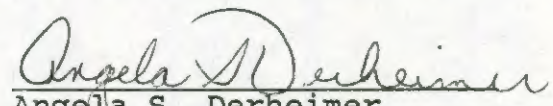
THE CITY OF FORT WAYNE, INDIANA

BY:

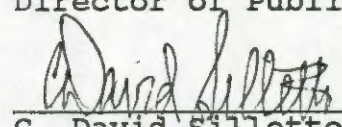

Paul Helmke, Mayor

BOARD OF PUBLIC WORKS AND SAFETY

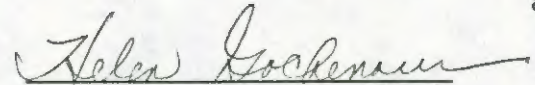
BY:


Angela S. Derheimer
Director of Public Works

Daniel G. Heath
Director of Public Safety


C. David Silletto
Director of Administration
and Finance

ATTEST:


Helen Gochenour, Clerk,
Board of Public Works and Safety

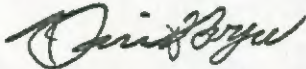
FORT WAYNE REDEVELOPMENT
COMMISSION

BY: Emily Kass, President

ATTEST:

BY: Paul Seybert, Secretary

APPROVED AS TO FORM
AND LEGALITY



ASSOCIATE CITY ATTORNEY

R. David Boyer, Associate City Attorney

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Bradbury, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>		<u>2</u>	
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
GIAQUINTA			<u>✓</u>	
HENRY	<u>✓</u>			
LONG			<u>✓</u>	
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
STIER	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 2-28-89.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 8-10-89

on the 28th day of February, 1989,

ATTEST
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 1st day of March, 1989, at the hour of 1:30 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 7th day of March, 1989, at the hour of 9:30 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION Q-85-02-22

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE TRANSFERS CERTAIN CITY REAL ESTATE LOCATED AT
MAIN AND CLAY STREETS TO THE REDEVELOPMENT COMMISSION FOR FUTURE
RESALE AND DEVELOPMENT. IN EXCHANGE FOR SAID REAL ESTATE, THE COMMISSION
WILL APPLY THE NET SALE PROCEEDS TO DEFRAY THE COST OF VARIOUS CENTRAL
BUSINESS DISTRICT CAPITAL IMPROVEMENT PROJECTS.

EFFECT OF PASSAGE REAL ESTATE TRANSFERRED TO COMMISSION.

EFFECT OF NON-PASSAGE REAL ESTATE REMAINS TITLED IN CITY

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. R-89-02-22

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) APPROVING THE TRANSFER
OF CERTAIN REAL ESTATE FROM THE CITY OF FORT WAYNE TO THE FORT
WAYNE REDEVELOPMENT COMMISSION

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION) Do Pass

YES

NO

<u>Thomas C. Henry</u>	THOMAS C. HENRY	
<u>Mark E. GiaQuinta</u>	CHAIRMAN	
<u>Janet G. Bradbury</u>	MARK E. GiaQUINTA	<u>ABSTAIN</u>
	VICE CHAIRMAN	
	JANET G. BRADBURY	
	DONALD J. SCHMIDT	
	JAMES S. STIER	

CONCURRED IN 2-28-89

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

2/28/89

I may purchase or propose
to purchase the property that
is the subject of R-89-02-22
and I will abstain from any
vote on this matter.

Mark E. GuQuinta